

## **Department of Health and Mental Hygiene Waiver Services Registry Policy**

### ***Background:***

Medicaid's Home and Community-Based Services waivers are limited by enrollment caps and budget allocations. This policy describes the process for closing a waiver, initiating a Waiver Services Registry, and reopening a waiver when slots become available.

The State will continue to process a waiver application for an individual who meets waiver eligibility and has been in an institution at least thirty days receiving services paid by Medicaid. An individual who meets these conditions will not be placed on the Waiver Services Registry and can submit an application for waiver services. Originally a Departmental policy, "Money Follows the Individual" is now required by statute allowing institutionalized Medicaid individuals to apply for waiver services regardless of caps on enrollment. The state receives enhanced federal funds for "Money Follows the Individual" waiver services minimizing the budget impact on Medicaid although there are administrative costs for case management and fiscal intermediary services. The Department of Health and Mental Hygiene (DHMH) will closely monitor the cost to Medicaid and the operating state agencies.

### **1. Policy for Closing a Waiver to New Community Applicants:**

- The State will close a waiver to new community applicants if DHMH and the operating state agency determine that the number of pending applications adjusted for denial rate plus the number of used waiver slots is equal to or greater than the number of available waiver slots or budgeted waiver slots.

The operating state agency will continue the application process for all applicants if any of the following steps have been taken prior to the closing date of the waiver:

- Autism Waiver: If the level of care assessment has occurred, the plan of care has been written, the consent form has been signed, or the application has been received by Division of Eligibility Waiver Services (DEWS).
- Living at Home Waiver: If either an Adult Evaluation Review Services (AERS) assessment has occurred or an application has been received by Department of Health and Mental Hygiene (DHMH) or DEWS.
- Waiver for Older Adults: If an application has been signed.

- The Waiver Services Registry is a list of people who are interested in applying for waiver services.

2. Policy for Closing a Waiver Completely when the Waiver Cap is Reached:

- When the waiver cap is reached, processing of all applications will stop. However, individuals who meet the criteria described for the specific waiver under section one of this policy will be given priority on the Registry.
- For an individual who meets the criteria described under section one of this policy, the operating state agency is responsible for compiling the individual's contact information (name, address, phone number, birth date, social security number, waiver of interest, and contact information their representative) and sending this information to the Waiver Services Registry contractor. The operating state agency will send notification of this to the individual's case manager. The operating state agency will also initiate referrals for other available services on an as needed basis.
- The operating state agency will forward all signed applications to Division of Waivers Eligibility Services (DEWS).
- For all signed applications, DEWS will send the applicant a "denial" letter explaining that the waiver slots are filled and that their name will be given priority on the Waiver Services Registry. DEWS will forward denied applications to the Local Department of Social Services for a community Medicaid determination. Once a waiver is completely closed, DEWS will not process applications for that Waiver unless the operating state agency notifies DEWS that an application meets one of the following exceptions:
  - o Individuals residing in institutions.
  - o Redeterminations.
  - o Former waiver participants returning to waiver services within the waiver year (entering the same "slot").

3. Registry System:

- The Waiver Services Registry contractor will establish and maintain a toll-free number for individuals to obtain waiver services information when the waiver is closed. Interested individuals will be directed to this toll-free number from any current waiver application site.
- The Waiver Services Registry contractor will collect an individual's name, address, phone number, birth date, social security number, residence (nursing home or community), waiver of interest, and contact information

for their representative. The Waiver Services Registry contractor will include each individual's information on the Registry based on the date of request regardless of an individual's income or functional status (eligibility screening is not done at this time).

- The State will continue to process a waiver application for an individual who meets waiver eligibility and has been in an institution at least thirty days receiving services paid by Medicaid. The Waiver Services Registry contractor will inform any interested caller to request an application from the appropriate operating state agency.
- The Waiver Services Registry contractor will mail the individual and their representative three documents: (1) a letter confirming the individual's status on the Registry, (2) a waiver fact sheet, and (3) a Registry rights and responsibilities fact sheet.

4. Filling Vacant Slots in the Waiver:

- DHMH will notify the Waiver Services Registry contractor when waiver slots become available. The Waiver Services Registry contractor will notify individuals on the Registry in numerical order for the number of available slots.
- Using a DHMH developed letter and script, the Waiver Services Registry contractor will notify the appropriate individuals and representatives on the Registry by mail and telephone of their opportunity to submit a waiver application. If within 15 days an individual fails to respond, a second letter will be mailed. If no response is received within 7 additional days, the Waiver Services Registry contractor will remove the individual's name from the Registry.